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## MODE OF EXCESS. BATAILLE, CRIMINALITY AND THE WAR ON TERROR

NECROPOLITICS BATAILLE, CAPITAL, CAPITALISM, DERIVATE, FINANCE, TERRORISM

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### I. CAPITAL'S EXCESSES

Bataille's vision bathes us all in the lap of luxury. So much of the political is cast in terms of lack-an insufficiency of activism, organization, theory, or resources to mobilize, in the face of an abundance of ossifying power. Excess refreshes the screen, it releases people from the enclosures of scarcity and the insuperable inevitability of aggression that springs from want. The compulsion to dominate is denormalized and exposed for its own peculiar excessiveness. The dull efficiency of utilitarian accounting-where every drop is used best when used up and growth marches inexorably forward-loses its reason in desire's hall of mirrors. Understandably, Bataille's work is taken up as a cry for amplitude in a wilderness of self-limiting apocalypse. Entangling his thought in the present requires more than the lavishing of praise. He achieves his general economy by energetic extension and squander that yields irrecoverable consumption. But his analysis proceeds by differentiating the ways in which societies attain their forms of surplus. These various means constitute nothing short of a mode of excess-a concept that can help extricate ourselves from Bataille's moment into that of contemporary affairs. If Bataille renders an ethnological or synchronic differentiation in his accounts of the Aztecs, Potlatch, Islam, Lamaism, bourgeois capitalism and Soviet socialism, we might look to his work of the middle of the last century to delineate the contours of excess in our own times.

Let us consider three elements of what might constitute Bataille's own mode of excess, writing as he is, when consumer capitalism and Soviet socialism retain their status as historical projects, and war adheres snugly to a Keynesian metaphysic. Bataille, of course is writing under the sign of what came to be called Fordism, a regulatory apparatus that mass produced consumption as a disciplinary realm parallel to but outside that of production. While the externality was mutual, it was also directional-domesticity was the sphere where cars and people started out new and became old, where time was free, leisure expressed substantive rationality, and used luxuries could be put out in the garbage. Despite, or perhaps more precisely because of the way in which the Keynesian welfare state was involved in the economy, subventions for public assistance and military

contracting stood as anti-productive. In the dream realm of popular culture and consumer markets, of manufactured desires, the state needed to be absent to locate excess in a space that would be free of coercion and domination-hence the formal distinction from work and government. The state operates for Bataille in a universe of general interest that can never use up the erotic extensive energies of the accursed share. "The State (at least the modern, fully developed State) cannot give full reign to a movement of destructive *consumption* without which an indefinite accumulation of resources situates us in the universe in exactly the same way as cancer is inscribed in the body, as a *negation*." (Bataille 1993: 160)

War is the consummate category of expenditure that can be stolen back by state and particularizing economic exchange, especially as it seeks an equilibrium between destruction and profit in what is intended as a virtuous cycle of demand absorbing supply that Franklin Delano Roosevelt dubbed, "Dr. Win The War." Like the partition between production and consumption, this political economy of war assumes that death and profitability belong to separate accounts, and that civic devastation will be restored by a reincorporating policy framework like the Marshall Plan. As Bataille observes: "Of course, what we spend in one category is in principle lost for the others. There are many possibilities of slippage: alcohol, war and holidays involve us in eroticism, but this means simply that the possible expenditures in one category are ultimately reduced by those we make in the others, so that only the profits found in war truly alter this principle; even so, in most cases these profits correspond to the losses of the vanquished... We need to make a principle of the fact that sooner or later the sum of excess energy that is managed for us by a labor so great that it limits the share available for erotic purposes will be spent in a catastrophic war." (Bataille 1993: 188) Under these circumstances, the political choice becomes clear, expenditure can be wasted in war or applied to increase the standard of living.

Finally, there is Bataille's enthusiasm for the Soviet socialism of his day. Here too, socialism is framed as an externality to capitalism, rather than being the latter's immanent condition. The Soviets form a geography of excess-that portion of global productive capacity that capitalist markets and development promises could not absorb. This perspective recasts Cold War bellicosity. The arms race certainly strains the Soviet social economy, as it supports a Western military-industrial complex. But the exclusion of more than half the world's peoples and territories by the partition of the three worlds was a condition for the concentration of consumption and masked the limits to its possible dispersion, as nearly two decades of post-Soviet opportunity now make plain. Still it was possible for Bataille to imagine the extension of a socialist geography as encroaching upon the ultimate utopian externality-the future. "Present day humanity has the communist horizon before it." (Bataille 1993: 261) Indeed the Cold War could be understood as a race toward disparate futures, each with their own utopian aspect, providing that the future remained on the horizon just outside of reach. Bataille has the benefit of imagining the chronotope of his own general economy as marked by clearly discernable divisions-between here and there, and between what is and what will come. He put such Cartesian formulations to tremendous effect, but we must consider what the general economy would consist of if history had not robbed us of that more clearly decidable grid of space and time.

Still hot in pursuit of Bataille's horizon, we can now imagine capital's own tracks taking us toward a different mode of excess. These markings may map something apart from the post-fordist proliferation of the flexible which may have been more about clarifying what the initial formulation of a consumer society meant, than of what it would become. No doubt, stable and expanding careers of wage labor are now somewhat quaint, and mass consumption has been niched and customized in every conceivable direction. But what happens when production and consumption move in together, when one resides within the body of the other? Surely this is the generative condition of what is termed immaterial labor. It is also indicated where the investment logic of risk assumes the mantle of governmentality. Neoliberalism asked citizens to manage their own public good, insinuating a market trope where the state was meant to maintain its watchful eye.

The domestic sphere is not simply an invitation to engage in home work (this it always was) but now also to serve as a platform for participation in myriad financial schemes, whether they be portfolios for retirement, education, or continued consumption itself. This implication of investment protocols in the labor of reproduction can be called financialization (Martin 2002). An ugly term perhaps but one that registers the invasion of capital for others into the realm of the self. Finance now occupies the spectre of excess in economic circulation. More than just acts of enclosure, financialization erupts where the socialization of capital meets the socialization of labor-amplifying mutual indebtedness, aggregating social wealth with extreme magnitude to the point where it moves from necessity to discretion. Finance signals a breach of referent that suggests huge sums can be applied anywhere for any purpose. The force of excess makes immediate the prospect that wealth might be applied otherwise. As much money moves in financial markets in a month as fills the accounts of industrial production in a year. The trade in derivatives alone-parsings of financial risk that disassemble and delocalize value so that it can be leveraged elsewhere-is tied to contracts valued at nearly \$400 trillion. (Lipuma and Lee 2004: Bank of International Settlements, 2006) (Derivatives are identified by the value or notional price of the commodities that they are tied to, rather than to the amount of money they yield, which is but a fraction of that price. So, if one is paying \$1,000 for the option to purchase \$1,000,000 worth of Euros at a certain date, the contract is entered as \$1,000,000 not \$1,000). More than a vault of a determine form of capital, finance augurs an infectious logic that reorients the machinations of business as well a daily life. Banks no longer stand as intermediaries to circulation (disintermediation). Market share and stock price drive business planning (shareholder value). The speculative and the practical hedging of risk share instruments of operation (rentier capitalism). Even the state is internally riven between its neoliberal fantasy of leaving people alone to their fates, and the neoconservative obligations to intervene in private life to affect a kind of evangelical transformation or liberation. The neoconservative state intervenes to carve excess out of the social body by means of tax cuts, which are not simply

redistributive to those most able to luxuriate, but to demonstrate the moral force behind setting capital free.

But this freedom makes of those left behind, those populations incapable of managing themselves and termed “at risk,” an accursed share in their own right. If financialization gives us production for and as consumption, ceaseless circulation nestled in what Marx called a “hidden abode,” the implosion of the boundaries for enclosure liberate a whole matrix of capital from population. Bataille would see capital fleeing its social entailments of labor (whether wages or cities) to some secure outside-consumption, the state, or negatively in socialist topographies. The imbrication of production and consumption, the state’s jettisoning of a general national interest, and a relinquishing of the socialist world has yielded a dizzying indifference. Rather than promising infinite absorption of population in accumulation, what was advertised under the watchwords of progress and development, liberation takes place in the here and now—a progressive and regressive freedom that turns against the history of difference (as all of the entanglements of social reproduction are brought together as interdependent demands for recognition, justice, resources and dispensation over what is done to make and live with social wealth).

If the Cold War contested the future, its apparent heir, the war on terror battles over the present. This is more than the hyper-vigilance of a politics of fear. The terrorist is the quintessential figure of bad risk however effectively it may be deployed. We cannot await it. The only safety lies in bringing its moment into our midst, that is, by pre-emptive strike. Terror’s temporality is anti-utopian, it implies the immanence of the future in the present. The risk economy, the investment action upon a possible future difference in the present, shares the same sensibility. Foreign and domestic applications of risk management forge a nefarious connection in George W. Bush’s 2002 National Security Document. In this proud proclamation of imperial doctrine, pre-emption is bequeathed to one nation and friends (whether old or newly acquired) affirm their allegiance by replicating U.S. anti-inflationary monetary policy. Low and behold this same language turns up in Iraq’s strategy for national development. Inflation, when it is not an assault on labor (as low unemployment or high wages) anthropomorphizes the world of goods (supply being chased by demand and puffing itself up accordingly).

Just as industrialization forced association upon self-sufficient labor, and consumerism wove a common web of dreams in the marketplace, financialization imposes a generalized condition of mutual indebtedness. Personal finance, like free wage labor, amounts to an enormous aggregation of the capacity to produce financial value while assuming the risks of failure to realize value. Like production and consumption, financialization is also a form of dispossession of one array of life-making circumstances that forces an elaboration of what people must subsequently do and be together. The future itself becomes a factor of production as each possible outcome is shifted into an actionable present. The derivative represents the moment when a small intervention, an arbitrageur’s momentary opportunity, seizes upon a highly dispersed volatility and leverages it to extensive effect. Unlike the entrepreneur, born of initiative, the arbitrageur exists only through the action of others, deriving themselves as a cluster of volatilities. The derivative is the extensive energy within the body of finance. It is also incorporated into the grand strategy for engaging and negating unsupportable risk and excess. Terror wars are in this respect derivative wars. They “deter forward” using small deployments of risk capable special forces to leverage imperial intervention. They succeed in their initial displacements (of toppling regimes) but produce the very thing they claim to fight but that are in actuality their condition of further circulation, namely terror. Terror is an inassimilable excess that occasions intervention without end. Unlike earlier imperialisms that sought to extract, civilize and develop, this logic of occupation quickly becomes indifferent to its prize and impatient with itself.

It would be tempting to see in the gap between a general interest in combating terror everywhere, and a particular occupation of two energy states an affirmation of Bataille’s equilibration of devastation and profit. Afghanistan’s geo-strategic potential for transshipment of oil and gas, Iraq’s prized proven oil reserves, Halliburton’s corrupt profiteering would seem to affirm the straightforward arithmetic captured by the slogan, “blood for oil.” Control of energy consumption would prove the ultimate colonization of Bataille’s accursed share. As compelling as the slogan has been to lay bare the motives of imperial excess, Bataille’s thought would also have us refuse the enclosure of our own surplus capacity in so certain a lock down of interest-borne scarcity. There can be no denying oil’s requirement to the present economic convention. But the necessity of oil politics as they are presented must be contested if the present mode of excess is to be seen as other than laying us all to waste as an inexorable drive to war to control supply in the face of imminent scarcity.

Specifically, blood for oil is a pipeline that has smuggled in a Malthusian logic of genocidal scarcity. The argument goes like this. The days of expanding oil supply are behind us. The rate at which new wells are drilled has been eclipsed by the rate at which new demand has expanded, in consequence, a bell-shaped forecast named for the geo-physicist who made it, “Hubbert’s Peak,” pinpoints the date of diminishing returns. Population growth assures that there will not be enough oil to go around. Security for the imperium dictate that it grabs hold of whatever remains. Oil and war are fraternal twins. Yet Hubbert’s peak, so pointed in sounding the alarm, is also vulnerable on its own economic foundations. As oil prices rise, abandoned fields again become profitable, along with the rationale for further investment to extract oil from otherwise unappealing shale. The conflation of access to oil with control of its sources certainly lines up with imperial history. But that history discloses how the very regimes installed to control oil territories repress domestic populations and wind up destabilizing access, a lesson reflected in the fully financialized oil futures markets by meeting volatility with arbitrage. (i)

While financial protocols have been installed as governing ideas, the occupation of Iraq looks like anything but a design for control. Instead, oil exports have held steady, and risk has been distributed throughout a population that has been cleaved from its national form and from its own productive capacities. Iraq’s Public Distribution System, the last remnant of Baathist socialism

is to be displaced by small cash handouts to fuel the now rampant speculative economy.(ii) But to render socialism scarce is to commit an error of measurement and concept. The extensive energy of consumption privileged the erotic as the alter to commodification, and maintained socialism as that portion of the world devoted to a social economy that capital could not absorb. The erotic which animated consumer desire has now been displaced by risk, which inhabits the intensities of circulation. Populations at risk may be treated instrumentally but they are also freed from instrumentality—they exist, not to accomplish further accumulation, but as human assemblages in their own right.

The war on terror claims that population makes no difference and touts its capacity to intervene anywhere at anytime. Its excess belies another. The notion that intervention can be anywhere raises the prospect that it could be for anything. The empire of indifference passes intervention from necessity to the realm of discretion, acting upon difference becomes a luxury within reach. Added to this is the discretionary force of something like the derivatives market, a hitherto unfathomable wealth sundered from use that exists only to further itself. The recourse to war that cannot discern between foreign and domestic, that attacks terror, but also crime, drugs, culture, and the like, sketches in negative relief the magnitude of the difference that state and capital now resist. Never mind that they had a hand in proliferating it all. The abundance of difference in our midst, along with excess wealth advertised for all-purposes, presents the immanence of the social as a self-expanding luxury for all. The war on terror is not the only project legible in the transfer of Bataille's mode of excess into the present. Terror gives urgency to the proliferation of financial risk but it also deflects attention from that excess which the state has increasing trouble concealing—its own criminality. If capital morphs under the present mode of excess, so too does its strange bed-fellow, the state-form.

## II. STATE ECONOMY

Whatever the cornucopia offered by finance, something prevents access to the immanent luxury of the social, something 'destines life's exuberance to revolt,' to rebel against new forms of 'military exploitation, religious mystification, and capitalist misappropriation,' to seek out a more luxuriate mode of excess, a mode of discretion and difference lived by all. (Bataille 1993: 77) A mean and indifferent mode of excess burns off all this self-activity, if not all this revolt, and leaves behind an effect, a state effect. Bataille asks us in his studies to seek out the effects of the accursed share, the state effects that come to trace the state-form. We mean by the state-form something more than the state as it is used as a category by political scientists. We mean something Bataille provokes us to consider. We mean that which becomes visible in the struggle over excess as an economy of excess, that which stands in for the mode of excess itself. So to ask what state-form corresponds to this mean and indifferent mode of excess is to take these state effects as clues, effects produced by a public capacity itself forged in the struggle today to produce capital's division of risk and at risk populations. To produce both the embracing of risk and the sorting of at risk populations that animate both financialization and the war on terror a certain kind of struggle, a certain kind of privatization must be at work. And this work of privatization can be read in the work left to the state-form.

The contemporary state-form operates to criminal effect. Its crime is not simply violation of law it is charged to enshrine, or to legitimate private property as public theft. At its most comprehensive and constitutive, criminality issues from the state-form positioning against society as such—an anti-social opposition to the expansive sociality that is irrecoverable to narrow protocols of accumulation. This effect hints at what is new about the contemporary mode of excess. From the state we hear scarcely a word about the social. Rather, it positions itself on the meridian that delimits public and private. The effect of publicity in the state-form today is a contradictory one, one that hates the public, fears the social, courts the criminal, and cannot help itself. Let us use the terms publicity and privatization here to mean something terminologically specific, and historically specific to capitalism. Privatization here assumes that the sociality called forth by capital must be reduced and converted into private property if it is to be a recognizable form for capital of what Jean-Paul Sartre called the *practico-inert*. Privatization is also the struggle that produces publicity, what Jacques Ranciere calls the 'distribution of the public and the private' (Ranciere 2006, 55) and therefore what can count as common. Privatization here comes first, not after some vulnerable public sector. Publicity is the subsequent state economy dedicated to privatizing excess sociality. By naming itself as public, publicity continues the work of privatization that brought publicity into being, and ensures that collective action taken up in the name of publicity not only fetishes the public (Bratsis 2005), but leaves the real struggle of privatization as it is understood here, untouched.

Understanding the state-form historically as the evidence of economy brought to bear on excess leaves room for what goes unmarked by conventional notions of public and private, even when those notions are employed in a Marxist framework as founding terms, and instead allows us see the excess of sociality as founding both public and private. Or as Jacques Derrida puts it: 'At its height of hyperbole, the absolute opening, the uneconomic expenditure, is always reembraced by an economy and is overcome by economy.' (Derrida 1980: 75) The economy of public and private (here an at risk effect and a risk effect), signs of the mode of excess, emerge from the struggle against excessive sociality, and under capitalism, this privatization aims most vitally at the means of production.

The publicity produced in the period when the tendency to industrial capitalism predominated seems capacious today. The struggle over property and machinery, scientific patents and natural resources, produced a publicity that opened onto the commonality of social reproduction. The welfare state and wars against fascism, civil rights and anti-colonialism, all operated in the space produced by what was relinquished in the struggle in fields, factories, and offices. Of course publicity produces its own unruliness, much as the struggle of privatization itself. Exactly because publicity must be reproduced by a labour both internal and external to it, publicity sometimes does not know its own limits. In civil rights, in the popular front, and most seriously

in anti-colonialism, the space of publicity was ab-used as Gayatri Spivak would say, and there was an attempt to move past the confrontation with the private to the struggle of privatization itself. (Spivak 2006) There was a feel for excess, and a prophecy of a new mode. But all the while finance and science was preparing an interdependency, a general intellect, that would shatter this publicity by altering the means of production and with it the stakes of the struggle for privatization.

This new interdependency and its privatization is oddly foreshadowed by Bataille in his chapter on the Soviet Union where a new mode of excess takes shape in the drive for productivity and the building up of the means of production. 'In the end, all of one's waking hours are dedicated to the fever of work,' he writes. (Bataille 1993: 160) Here publicity takes the form of the means of production itself, produced by a privatization of all other aspects of life. Only productivity becomes a matter of commonality. All else, distinguished as social reproduction, is vulnerable to the violence of privacy. Of course this not the privacy of the conventional private, but of a privatization drive to destroy excess sociality and produce a state economy, a proper publicity of total work.

One feels that this feverish work is with us today, but without even the vague hope of the publicity of the Soviet Union. What is being privatized to permit such a fever to take hold, and what kind of publicity stokes this fire, and as ever, is threatened by the flames? The risk and at risk populations that reach publicity as private and public matters and are its objects of attention suggest a new tendency in privatization. This tendency turns on social reproduction but again not directly through what is conventionally understood by privatization, but at its roots, at its moment of production in the struggle over a new means of production. Conventional privatization is only a symptom of this struggle at the root, and one of an already advanced disease.

It is only a symptom because today the struggle over privatization occurs at the level of life itself, and especially at the level of the cognitive and affective capacities of the body. The General Intellect that Marx identified with science, and undoubtedly with machinery, is recast by autonomist thinkers as a mass intellectuality residing in brains and bodies of labour. A history of production across these bodies takes on all the difference of these bodies and becomes legible only in this context. The biopolitics identified in contemporary scholarship is often understood as the site of politics but might also be marked as the residue of politics, as what is left to publicity after a new means of production is privatized, taking off the table the politics of privatization and leaving only the politics of public and private as it is currently constituted, as biopolitics. So today it might be necessary as Patricia Clough recently put it in articulating the technoscience that underlies a subindividual ontology, to move 'beyond biopolitics.' (iii)

For instance, in the work of Lauren Berlant there is an anticipation of this privatization of the reproductive realm. She notes the way that in the Reagan era what was the private sphere comes forward into the public sphere, but as a matter of immorality. (Berlant 1997) This was an early symptom of the consequences of privatizing social reproductive capacities, putting them to work, and leaving only the anti-reproductive moment to the public, a moment that begins in immorality and will end in just a few years in wholesale criminality. When social reproduction itself, when sociality itself, becomes the target of privatization, when not machinery but brains and souls are to be rendered into dead labour, into private property, biopolitics may be one word for what is left to publicity. But even this term might be too generous, too sociable. Because when the social itself is privatized, only the anti-social, only the criminal remains for publicity. A state economy emerges that is not just concerned with the anti-social, but takes the anti-social as its modus operandi, takes indifference to qualities of society as its public face. In short, the couple risk/at risk in the public sphere of a criminal state-form. It must be quickly added that this criminal state-form is not criminal in the liberal sense of deviating from a societal norm, nor criminal in the traditional Marxist sense of supporting the theft of wealth through labour-time. It is a state against society. The war on terror mixes risk-embracing populations like soldiers and at risk populations like Arab civilians and seeks out a criminal path, and an anti-social outcome. But who can blame it for being in a true sense, and not in the sense used by economists, path dependent?

All visible sociality is fast being criminalized, marked as having been unsuccessfully privatized. Such sociality becomes a threat to productivity, to the basis of the state-form, to its criminality and thus the criminality of the state stands against sociality at every turn. Productivity is the metric by which privatization appears as self-rationalizing. But at the same time, this stance marks criminality as the last site of the un-privatized social. The fever of work is interrupted, risk is suspended, at the moment the criminal becomes its opposite, not anti-sociality but sociality. And of course this moment comes all the time as capital's dream of living only on dead souls is interrupted by the waking hunger for social genius, for mass intellectuality, for living labour. Suddenly the siege must be lifted, prisoners released, raids called off, risky deals bailed out, at risk populations made into relative surplus ones.

The question of who is attributed with the capacity to self-manage and who is deemed unmanageable brings us to governance. The ubiquitous term of comparison making formal equality of things more universal than ever, governance can be applied to hospitals, universities, countries, and corporations. But more importantly in can be applied to populations. Populations that embrace risk, that manifest the privatization of the General Intellect, embrace governance as the governmentality of indifference. Governance oversees the hedging of interest against interest. But more than that governance tests for a population's ability to produce interests, to risk those interests in the name of speculative accumulation. Governance is here a form of bioprospecting in the veins of mass intellectuality for collective cognitive capacities that can be applied to accumulation strategies. And governance is the mouth of the criminal state-form, calling out to the social, in order to privatize or criminalize it. Those who call back and identify their interests are the lucky ones, these newly identified interests and their bearers are made productive, made

to take risks, and led into the fever of work. Those who do not answer, or cannot be heard, are said to be those without interests, the at-risk, the criminal.

With interests rising out of populations and returning to private hands for example in corporate multiculturalism or fair trade or green consumption, the state is left only with those at risk, those feared to be without interest. And of course the figure today who is most without interest is a certain criminal character, the terrorist. And as Angela Y. Davis notes 'racism played a critical role in the ideological production of the communist, the criminal, and the terrorist.' (Davis 2005: 121-2) The roving racism of the at risk category is the business that is left to the state, but this is also the business that is left of the state. And this is why governance must also fail, why it must remain contradictory in the corporation, the nation, the NGO. If it were to work it would suggest a totality of structured in difference, to use an older phrase, that would be deadly to the anti-social character of the contemporary state-form. If governance were to do more than merely strip mine the general intellect and leave it scarred, it would become sociable, and would quickly become the enemy of the state. This is the condition of the war on terror, a flailing limb of the criminal state which constantly flings itself toward the very criminality, the very condition of being without interest, that it sees in the object of its violence. It works against proper environments of risk, against the extraction of new interests, and instead piles up at risk populations and smashes constitutions and remakes them in a Dr. Jekyll and Mr. Hyde act that belies its criminal inheritance in the face of the privatization of all that is healthy for the reproduction of society.

The state attacks itself here too. Clearly this is part of a wretched history that Marx identifies as Bonapartism in his account of the crisis of class representation in the 18<sup>th</sup> Brumaire. Within a century the notorious burning of the Reichstag will signal the mass mobilization of the state against itself that brings us fascism. Now the state is engaged in mass shedding, war is demobilizing even as its profiteering is part of the executive's curriculum vitae (including the notable intimacies with Enron and Halliburton). The self-destructiveness of today's politics is brought on by the incessant relinquishing of excess sociality, including that initiated by the state, to privatization. And what cannot be returned to the private must be criminalized and this is why in the end George W. Bush must criminalize himself. No matter how much he seeks out laws, in the end he is driven to move beyond them, to turn against himself as an instance of society. His wars, his camps, his dismissals of those charged with upholding the law, belie the impatience behind their own pleas for permanence. Unable to uphold the legality of his policy, he incriminates himself and uses this sentence to stay the course of execution. Bush delegates decision to maintain authority over those who would judge.

But it is worse, because as much as the state is at risk in this publicity, poison to itself no matter how many wars it launches or jails it builds, it has not even the possibility of criminality. It is criminal, but it will never revolt. It can be anti-social, but it cannot abide any un-privatized sociality in its midst, no welfare state, no war on poverty. And yet this mode of excess is premised on un-privatized sociality, which is to say not on the criminal, the anti-social, but on criminality, the possibility that a population is *not* anti-social, not consumed by the fever of work, not smothered in risk. This criminality is itself the possibility of a structure of feeling beneath this fever, within this embrace, of a luxuriant excess privatized to make this work and speculation possible, but always escaping it. The fate of those at risk, those immersed in criminality, the fugitive social-private, is to live, but the fate of the contemporary state-form, the criminal state, the anti-social public, is to die.

It is the state today that is left to die. There is no difference between its typical operation and its normalizing exception. Only such indifference has been left to it. Nicos Poulantzas wrote in his late work that 'the state itself bathes in the struggles that constantly submerge it.' (Poulantzas 1980: 151) When those struggles have at their heart the excess produced by the social capacities carried in the brains and souls of living labour, privatization leaves nothing to the imagination. To look for some suspension of law when the ability to legislate is itself given over to capital in the form of governance, is to miss the residual character of the contemporary state-form. And yet Poulantzas also noted more than once 'the class enemy was always present within the state.' (Poulantzas 1980: 151) That the contemporary state-form is the effect of living labour coming into contact with the anti-social edifice of its deeds, the ruins of every social project, suggests that criminality remains present in the criminal state. This criminality at the heart of the state economy destines revolt from the depths of the mode of excess.

## CONCLUSION

If Bataille imagined spatially distinct general economies each with their attendant mode of excess, we now face a multiplicity of excessive prospects and pathways. So many futures nestle in our presence. A fugitive from its lost world utopia has been jettisoned by capital and gained a place in our midst. So too, dystopias no longer need be fabulized but have become the stuff of policy patterns. The state-form indicts itself, commits itself to end government as we know it or assassinate its own inefficiency that goes by the name of regulation. It admits to its own criminality but takes no responsibility. These dispassionate crimes cannot be concealed by the war on terror. The terrorist stands as bad risk well taken. Criminality presents a bad state poorly executed. The terror war produces what it seeks to curtail, both its own conditions of permanence but also an abundance of terror whose risks exceed all available hedge strategies. Bataille looked at a capitalist world whose excess was neatly partitioned between fordist consumption, Keynesian war, and nationally encapsulated socialism. None of these projects are available to us now. Consumption as an inducement to further production has been eclipsed by swarms of credit and debt. The pump that war might prime has been reduced to a miniature of its former self as the military budget has retracted from 40% of U.S. G.D.P. at the end of the second world war to 4% with the Iraq war (and a proportionate reduction in the size of the military from over 18 million to around two million personnel). (truthandpolitics.org, 2003) The Cold War's demise also ended national containment, and while social economies have not disappeared, their measurement has proven elusive.

If we were to rename Bataille's trinity of excess in contemporary terms, we would look to immaterial labor and mass intellectuality in place of the idiocy of consumerist shopping, risk governmentality in place of Keynesian pump priming, and population-for-itself where socialism once snuggled safely in one country. As Bataille noted, the state is still cancerous to these formations, but their production of difference exceeds what capital can absorb or the state can combat. The asymmetries of the world that the present imperium takes as its worthy opponent cannot be crushed without assuring the proliferation of their own conditions of possibility. Wars produce volatility not victory. Dissolution of publics will not engender national purpose. The desire that gave rise to vengeful liberatory intervention collapses before an unsustainable demand. The state loses interest in its own messianic zeal, offers no ideas, hews to information when it can generate no intelligence. Its legacy is to render the bestial necessity of history into discretionary expenditure. There is nothing that compels one war to be fought over another or one kind of expenditure to be made where another could readily be imagined. The excessive amassing of wealth is to all lights sustainable, but its means of expenditure may not be. These alter modes of excess take on force when the state abandons its own protocols of legitimacy. If the fordist trinity promised inclusion–development for all who have the patience to wait their disciplined formations of labor, now labor is freed from such encumbrances. Labor can pass into its own productivity, garnish its own wages, feed its own difference. This is the political ascendancy of population as such. The abandonment of population to its own devices leaves an opening to the collective genius of mass intellectuality to evoke itself as a knowledge form on behalf of an expansive principle of what population in itself and for itself could be. This wealth is already with us. We can look forward to much more of it.

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## NOTES

i For Hubbert's argument see, Kenneth S. Deffeyes, *Beyond Oil: The View From Hubbert's Peak* ( New York : Hill & Wang, 2005), with a link between scarce oil and population control on page 117. The antinomy of access and control is argued by Toby Shelley, *Oil: Politics, Poverty and the Planet* ( London : Zed, 2005). A primer in oil economics, a fully financialized industry, can be found in Sally Clubley's *Trading in Oil Futures and Options* (Boca Raton, FL: CRC Press, 1998).

ii See Iraq 's *National Development Strategy, 2005-2007*

iii Patricia Clough, organizer, *Beyond Biopolitics: State Racism and the Politics of Life and Death*, The Center for the Study of Women and Society/CUNY, March 16-17, 2006 , New York City .

here also

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META

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TAXONOMY

- CATEGORIES
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